

# City of Miami



DANIEL J. ALFONSO  
City Manager

## ASSAULT UNIT

### STANDARD OPERATING PROCEDURES

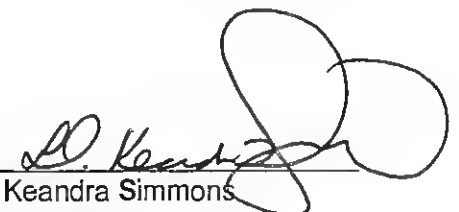
#### S.O.P. 17

SUBJECT: Hate Crime Reporting

PURPOSE: To provide a procedure on how hate crimes will be investigated and to assist officers in the proper reporting of a hate crime

SCOPE: The complete and proper reporting of any incident involving a hate crime is mandatory for our Department for Robbery and Assault victims, who have indicated they were assaulted because of their national origin or sexual preference. All original incident reports must include as a type of offense/incident (box #12) an indication of the hate crime motive, i.e., robbery/hate crime, aggravated assault/hate crime, or vandalism, arson/hate crime. Also, for tracking purposes, the small bubble box next to hate crime must be filled in.

- I. A hate crime is a criminal offense committed against persons, property, or society that is motivated in whole or in part by an offender bias against an individual or a group, race, religion, ethnic/national origin, gender, age, disability, or sexual orientation.

  
Lt. Keandra Simmons  
Commander  
Assault Unit

3-30-17  
Effective Date



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(Continuation)

- II. All hate crime incidents will be reviewed by personnel in the Assault Unit. The main crimes, robbery, etc., will continue to be investigated by investigators in districts and C.I.S.
    - A. All open cases for investigation will be assigned to individual investigators by the Assault Unit assignment person or supervisor.
    - B. Investigators are required to respond to and conduct an on- scene investigation of any hate crime involving serious injuries to the victim(s).
    - C. All hate crime investigations will be documented on a 301 report and forwarded through the chain of command.
  - III. The motivation behind the act is the key element in determining whether an incident is hate related.
    - A. The mention of a prejudicial remark does not necessarily make a criminal incident hate motivated any more than the absence of such a remark makes the criminal incident a non-hate crime.
    - B. Investigators must rely on their investigative skills as well as probable cause to assist them in determining whether a specific incident constitutes a hate motivated crime.
    - C. Statements of victims or witnesses, as well as physical evidence, may be used to make this determination.
  - IV. Evidence of prejudice while committing an offense; enhance penalties under Florida Statutes 775.085
    - A. The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim.
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- 1. A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.

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2. A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.
  3. A felony of the third degree shall be punishable as if it were a felony of the second degree.
  4. A felony of the second degree shall be punishable as if it were a felony of the first degree.
  5. A felony of the first degree shall be punishable as if it were a life felony.
- V. All reports of hate crimes will be reported to the Unit Commander for the particular crime.
- A. Our victim advocate administrator and a victim advocate will be assigned for whatever additional intervention is necessary with the victim.
  - B. Also, the involved NRO and NET Commander will be briefed on the incident and requested to assist with the intervention.
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